

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

v.

JOSHUA BAILEY (22)

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1:21-cr-00048-LY-22

Order on Petition for Action on Conditions of Pretrial Release

In accordance with the Federal Rules of Criminal Procedure and 18 U.S.C. § 3148, on February 18, 2022, a hearing was held before the undersigned Magistrate Judge on the U.S. Pretrial Services' Petition for Action on Conditions of Pretrial Release, submitted February 10, 2022 (Dkt. 858).

In the Petition, Pretrial Services alleged that Defendant violated condition of release (7)(m): "The defendant must not use or unlawfully possess a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner." Dkt. 858 at 1. The Petition alleges that Defendant admitted using methamphetamine on January 26, 2022, after submitting a urinalysis specimen that returned a positive result for methamphetamine. Defendant also submitted specimens that returned positive results for amphetamines on August 11, 2021, August 27, 2021, and November 3, 2021.

The Court has carefully considered the Pretrial Services Report, the Petition, and the arguments of counsel for the Government and Defendant at the hearing. Pursuant to § 3148(b)(1)(B), the Court finds by clear and convincing evidence that, as alleged in the Petition and conceded by Defendant, Defendant violated condition (7)(m) of his release by unlawfully

using controlled substances. Dkt. 871 at 4. Nonetheless, the Court finds that, based on the factors set forth in 18 U.S.C. § 3142(g), there are conditions of release that will assure that Defendant is not likely to flee or pose a danger to the safety of any other person or the community, and that Defendant is likely to abide by those conditions of release. *See* 18 U.S.C. § 3148(b)(2).

Accordingly, it is **HEREBY ORDERED** that Defendant shall be **DETAINED** until space becomes available in an appropriate program of inpatient substance abuse therapy and counseling at either the VA or Christian Farms Treehouse in Temple, Texas, as directed by Pretrial Services, at which time the Court will set a Bond Release Hearing and order Defendant released from custody. **Defendant remains subject to all conditions in the Order Setting Conditions of Release (Dkt. 311).**

It is **FURTHER ORDERED** that the Petition for Action on Conditions of Pretrial Release (Dkt. 858) is **DENIED**.

SIGNED on February 18, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE